



Village of Canal Winchester  
36 South High Street  
Canal Winchester, Ohio 43110-1213

Village Council  
February 4, 2008  
6:30 PM

**Minutes  
Public Hearing**

**Call to Order:** President Deeds called the meeting to order.

**Roll Call:** John Bender, Rick Deeds, Bruce Jarvis, Bobbie Mershon, Victor Paine, Marilyn Rush-Ekelberry, Leah Turner

**Purpose of the Public Hearing:** To hear public comments on the proposed zoning application ZA-07-05, Property Owner: Wendy's International, Applicant John Oney representing Byers Auto for property located at 202 Cemetery Road is requesting a Zoning Map Amendment to change the zoning of the property from General Commercial (GC) to Exceptional Use District (EU). The Planning and Zoning Commission has recommended by a unanimous vote that the rezoning request be denied.

**Presentation to Council:**

Allan Neimayer gave the staff presentation to Council. He stated that the property in question is, in fact, the former Wendy's site at 202 Cemetery Road. Dimensions, current and proposed zoning, flood plain information, as well as a development overview were presented via slides.

Bill Christensen presented the Planning & Zoning comments. The proposed rezoning does not fit the location now that there is no direct access to US Rt. 33. It would be difficult for patrons to find the location. Also, having a pre-owned car lot there would open the door to having a full-size car lot there in the future and that is not the route that Canal Winchester wants to take.

This property is located adjacent to a residential neighborhood and in past meetings, residents have come forward with negative reactions to the proposal. Ms. Turner asked if this car dealership was in place, how the lighting would be addressed so that it wasn't shining into residents homes all night. Mr. Christensen stated that if installed correctly, there is a way to shield the lights so

that no direct lights would shine onto the houses, though there would be the indirect lighting throughout the night.

Mr. Bender asked what type of businesses would be a better fit for the location. Mr. Christensen answered that it would have to be a low-impact type business where people can get to the business, but there is not a huge turn-over throughout the day.

The Planning and Zoning Commission has recommended by a unanimous vote that the rezoning request be denied.

**Applicant John Oney** of Architectural Alliance, representing Byers Auto, was not in attendance.

#### **Village Resident Questions/Comments:**

**Jeffrey Bond**, of 36 Washington Street, wanted to voice his dissent on this topic as well. He states that "our laws work" and that the applicant is asking for a favor to have codes changed to allow this business. The law clearly states that there would have to be a new car dealership there as well as a used car dealership. He went on to state what the negative impact of having a new car dealership in the community would be. First, they would be in violation of a contract with GM and Chevy stating that they can't have a competing dealership within a certain number of miles of another. Mr. Bond believes this is a run by Byers to soften up Mr. McDorman, in order to possibly try to purchase his dealership from him in the future. He stated that Mr. McDorman deserves our loyalty. This proposal is not conducive to what our community needs at this time.

**Steve Clippinger**, of 434 Sarwil Drive, lives right next to the proposed car dealership and opposes it. He has seen a decline in the land use in that location. It has gone from a fruit retailer, to a Wendy's and now to the possibility of a used car dealership and that is not the direction that we want to go. Mr. Clippinger would not oppose a doctor's office, but this is inappropriate.

**Lisa Dean**, Manager of the Amerihost Hotel, spoke as a representative of the Chamber of Commerce. As the Chamber of Commerce, they believe there would be better marketing if there were a doctor's office or more retail as opposed to a used car dealership. She stated that the Gender Road area is congested enough without additional traffic of trucks coming through. Ms. Dean stated that the Chamber of Commerce believes that it is retail that will bring people to Canal Winchester, to the hotel and to the Gender Road area.

**Paul Orulett**, of 6691 Lake View Circle in Charleston Lake, is representing several people from Charleston Lake that oppose this car dealership. The late-night dropping off of cars and the test-driving in the area would be negative impacts on the Community. Mr. Orulett believes that there is a chance that this

would lead to the installation of a traffic light at Waterloo and Cemetery Road and that would be just one more added traffic light that is not wanted.

**Mr. Bob McDorman**, of Bob McDorman Chevrolet, stated he chose this location in 1965 and it was the happiest day of his life. Mr. McDorman is happy to have his franchise and to be in Canal Winchester and he doesn't disregard competition, but he believes he is already in competition with the Byers location on West Broad Street. He doesn't believe Canal Winchester will ever be big enough to support two car dealerships.

Mr. McDorman believes that if the Byers dealership goes in, they will eventually sell new cars out of that location even though it is against the BMV law.

Mr. McDorman had the worst year in the history of his dealership last year. Many employees were forced to take drastic pay cuts. But, even with the pay cuts, there is very low turnover in personnel. It is a tough business environment, but he just wants to run his dealership the right way. He wants to be a different dealer.

He has considered having his Corvette show in conjunction with Canal Winchester's Labor Day Festivities. His Corvette show brings in over 10,000 people to the Canal Winchester area for the weekend. All the profit from the show is given to Children's Hospital. Bob McDorman Chevrolet has given the hospital in excess of \$255,000 so far and he is happy to do it.

Mr. McDorman is working very hard to stay in business and get the job of selling and servicing cars done the right way and he can't do it if more competition is brought in.

**Council Comments/Questions:** None at this time.

## Adjournment

Dr. Bender moved to adjourn the public hearing. Mr. Paini seconded the motion.


**VOTE:**      **AYES:**      Mr. Jarvis, Mr. Paine, Mrs. Turner, Dr. Bender  
Mr. Deeds, Ms. Mershon, Ms. Rush-Ekelberry

**NAYS:**

Meeting adjourned at 7:00 pm.

Hansa K Oster

Nanisa Osborn, Clerk of Council

  
Rick Deas, President

**Rick Deeds, President**

February 18, 2008  
Date

Date \_\_\_\_\_

Michael C. Esch

**Michael Ebert, Mayor**

## Administrative Assistant

**NOTE: The minutes set forth herein are an extract of the Council meetings. Anyone desiring a transcript of the complete minutes of the Council meeting may obtain the same at a cost of \$10.00 per page.**